

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:
Date: September 12, 2008 Name: Amir N. Penn (40,767) Signature: 

Case No. 10210/10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Toshio Mikiya

Examiner: Dunwoody, Aaron M.

Serial No: 10/808,067

Group Art Unit: 3679

Filed: March 24, 2004

Confirmation No.: 4195

For: Pipe Coupler

**REQUEST FOR RECONSIDERATION OF THE
PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The PAIR system for this application indicates Applicant has been awarded 226 days of Patent Term Adjustment. Applicant believes that it may be entitled to 517 days of Patent Term Adjustment. For the reasons stated herein, reconsideration of this calculation is respectfully requested.

REMARKS

Reconsideration of any patent term adjustment under 35 U.S.C. § 154(b) is requested. Correction of any applicant delay indicated by the PAIR system is requested. Please charge the petition fee under 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for Application No. 10/808,067 is calculated as shown below. Dates are specified based on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit A. Note that this application is based on an original patent application and is not subject to a terminal disclaimer.

Request for reconsideration of patent term adjustment indicated in the notice of allowance under 37 C.F.R. § 1.705(b)

Any request for reconsideration of the patent term adjustment indicated in the notice of allowance, except as provided in 37 C.F.R. § 1.705(d), must be made by way of an application for patent term adjustment filed no later than the payment of the issue fee.

The notice of allowance for the present application was mailed on June 12, 2008 and indicated a patent term adjustment of 226 days of patent term adjustment.

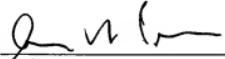
Applicant believes that this is incorrect. Applicant filed a notice of appeal on December 13, 2006 (along with a pre-appeal brief request for review). The pre-appeal brief request was subsequently denied and the Applicant was invited to proceed with the Appeal before the Board. Thereafter, Applicant received a notice of allowance. 37 C.F.R. §1.703(b)(4) calculates the term as follows:

The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed . . . and a notice of allowance . . .

As discussed above, Applicant filed the notice of appeal on December 13, 2006, so that the number of days should be calculated from that point. Applicant believes that the Office mistakenly calculated the timing of the notice of appeal. Therefore, Applicant requests a total of 517 days of patent term adjustment.

Accordingly, reconsideration is respectfully requested. More specifically, applicant believes that the correct calculation of patent term adjustment is 517 days. Office personnel are invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this request.

Respectfully submitted,



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